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November 13, 2003

### **VIA HAND DELIVERY**

Deborah Tate, Chairman Tennessee Regulatory Authority 460 James Robertson Parkway Nashville, TN 37219

Re:

Petition of Chattanooga Gas Company, Nashville Gas Company, a division of Piedmont Natural Gas Company, Inc. and Atmos Energy Corporation for a Declaratory Ruling regarding the Collectibility of the Gas Cost Portion of Uncollectable Accounts under the Purchase Gas Adjustment ("PGA") Rules

Docket No. 03-00209

Dear Chairman Tate:

Enclosed are the original and thirteen (13) copies of a Motion for The Tennessee Regulatory Authority to Take Judicial Notice of Dockets filed on behalf of the Petitioners (i.e. Chattanooga Gas Company, Nashville Gas Company, and Atmos Energy Corporation).

Sincerely,

D. Billye Sanders

Attorney for Chattanooga Gas Company

D. Belye Sanda

DBS/hmd Enclosures

#### WALLER LANSDEN DORTCH & DAVIS

A PROFESSIONAL LIMITED LIABILITY COMPANY

Deborah Tate, Chairman November 13, 2003 Page 2

cc: Shilina Chatterjee, Esq.
Archie Hickerson
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Jerry W. Amos, Esq.
James Jeffries, Esq.
Patricia Childers
Joe A. Conner, Esq.
Misty Kelley, Esq.

# BEFORE THE TENNESSEE REGULATORY AUTHORITY NASHVILLE, TENNESSEE

IN RE:	)	
	)	
PETITION OF CHATTANOOGA GAS	)	
COMPANY, NASHVILLE GAS COMPANY,	)	
A DIVISION OF PIEDMONT NATURAL	)	
GAS COMPANY, INC. AND UNITED	)	
CITIES GAS COMPANY, A DIVISION	)	DOCKET NO. 03-00209
OF ATMOS ENERGY CORPORATION,	)	
FOR A DECLARATORY RULING	)	
REGARDING THE COLLECTIBILITY	)	
OF THE GAS COSTS PORTION OF	)	
UNCOLLECTIBLE ACCOUNTS UNDER	)	
THE PURCHASED GAS ADJUSTMENT	)	
("PGA") RULES	)	

### Petitioners' Motion For the Tennessee Regulatory Authority to Take Judicial Notice of Dockets

Pursuant to Tenn. R. Evid. 201 and T.C.A. § 4-5-313(6), Petitioners Chattanooga Gas Company ("Chattanooga Gas"), Nashville Gas Company, a Division of Piedmont Gas Company, Inc. ("Nashville Gas") and Atmos Energy Corporation ("Atmos") (collectively, the "Petitioners") move the Tennessee Regulatory Authority ("TRA") to take judicial notice of the following information contained in records of other proceedings before the TRA which show precedent for recovery of certain costs through the Actual Cost Adjustment ("ACA") of the Purchased Gas Adjustment ("PGA") Rules:

1. Docket Number 01-00802 – Application of United Cities Gas Company, Division of Atmos Energy, Inc., Nashville Gas Company, Division of Piedmont Natural Gas Company, Inc., and Chattanooga Gas Company for Approval of Deferred Accounting: Order Approving Deferral of Uncollectible Accounts, dated January 29, 2002; Second Amended and Restated Joint Application for Approval of Treatment of Uncollectible Accounts; Amended

and Restated Joint Application for Approval of Deferred Accounting; Joint Application for Approval of Deferred Accounting.

- 2. Docket Number 00-00618 Chattanooga Gas Company Weather Normalization Adjustment Audit: Order Adopting WNA Audit Report of Authority Staff, dated September 15, 2000 (See Order page 1, paragraph 1 and Exhibit A, page 9.)
- 3. Docket Number 01-00591- Chattanooga Gas Company Weather Normalization Adjustment Audit: Order Adopting WNA Audit Report of the Energy and Water Division of the Tennessee Regulatory Authority, dated November 14, 2001 (See Order, page 1, paragraph 2 which is continued on page 2).
- 4. Docket Number 02-00797- Chattanooga Gas Company Weather Normalization Adjustment Audit: Order Adopting WNA Audit Report of the Energy and Water Division of the Tennessee Regulatory Authority, dated December 2, 2002 (See Order, page 3, paragraph 2 and Exhibit A, page 12, paragraph 3).
- 5. Docket Number 03-00373- Chattanooga Gas Company Weather Normalization Adjustment Audit: Notice of Filing by the Energy and Water Division of the Tennessee Regulatory Authority, dated August 5, 2003 (See Notice, page 8); Transcript of Authority Conference, Monday, August 18, 2003 (See transcript from August 18, 2003 TRA Conference, pages 11-12.
- 6. Docket Number 99-00994 Application of Nashville Gas Company, A Division of Piedmont Natural Gas Company, Inc. for an Adjustment of its Rates and Charges, the Approval of Revised Tariffs and the Approval of Revised Service Regulations: Order Approving Application, dated July 18, 2000 (See page 11, item number 7); Joint Motion for Approval of Implementation of Settlement, filed May 18, 2000; cover letter from Jerry W. Amos, dated May 18, 2000; Motion and Stipulation with all Exhibits (See Exhibit D to Stipulation, Affidavit of Dan McCormack).

Petitioners' Motion is based upon the ground that the above-referenced information is not subject to reasonable dispute and is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be

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questioned. Therefore, Petitioners respectfully requests that this agency grant their Motion and take judicial notice of this information.

Respectively submitted this 14th day of November 2003.

Chattanooga Gas Company

D. Billye Sanders

Its Attorney

Waller Lansden Dortch & Davis,

**PLLC** 

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Nashville Gas Company, a Division of Piedmont Natural Gas Company, Inc.

By: James H. Je

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been mailed, postage prepaid to the following this the day of the foregoing has been mailed, postage prepaid to the following this the day of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the foregoing has been mailed, postage prepaid to the following this true and correct copy of the following this true and c

Shilina B. Chatterjee Vance Broemel Assistant Attorneys General Office of Consumer Advocate and Protection Division 425 Fifth Avenue North Nashville, TN 37202-0207

D. Billye Sanders